

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

SCOTT R. GIESLER,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 2:16-CV-364-JVB-PRC
)	
KT-GRANT INC.,)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on Plaintiff’s Motion to Consolidate for Factual Discovery Purposes [DE 35], filed on March 7, 2018. Plaintiff Scott Giesler requests that this matter be consolidated for purposes of fact discovery with *Anthony S. DeVries v. KT-Grant Inc.*, Cause No. 2:16-CV-365-RL-JEM. On March 9, 2018, Anthony S. DeVries filed a Plaintiff’s Notice of Filing Motion to Consolidate in Cause Number 2:16-CV-365-RL-JEM. Defendant KT-Grant has not filed a response to the Motion to Consolidate, and the deadline by which to do so has passed.

Federal Rule of Civil Procedure 42(a) provides that, “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” Fed. R. Civ. P. 42(a)(2). Consolidation is appropriate for “cases that share the same questions of law or fact and where consolidation would not result in prejudice to any party.” *Back v. Carter*, 933 F. Supp. 738, 748 (N.D. Ind. 1996) (citing *Fleishman v. Prudential-Bache Sec., Inc.*, 103 F.R.D. 623, 624 (E.D. Wis. 1984)). Courts “consider such factors as judicial economy, avoiding delay, and avoiding inconsistent or conflicting results” as well as “as the possibility of . . . administrative difficulties.” *Habitat Educ. Ctr., Inc. v. Kimbell*, 250 F.R.D. 390, 394 (E.D. Wis. 2008). Consolidation “is a matter committed to the sound discretion of the trial judge.” *Canedy v. Boardman*, 16 F.3d 183, 185 (7th Cir. 1994).

Both lawsuits at issue bring claims of personal injury against the same defendant for injuries incurred while operating an LG machine manufactured by Defendant. The cases were filed within a month of each other in state court and removed to this Court on the same day. Plaintiffs in both cases are represented by the same counsel. Having reviewed the Complaint in this case and in Cause Number 2:16-CV-365-RL-JEM, the Court finds that the two cases have common issues of fact and common issues of law. Consolidation for the purposes of factual discovery will reduce the burden placed on witnesses, parties, and judicial resources.

Finding the motion well taken and noting the lack of objection, the Court hereby **GRANTS** Plaintiff's Motion to Consolidate for Factual Discovery Purposes [DE 35] and **ORDERS** consolidation of the instant litigation and 2:16-CV-365-RL-JEM **for factual discovery purposes only**. The Court **DIRECTS** the Clerk of Court to docket this Opinion and Order in both this case and in Cause Number 2:16-CV-365-RL-JEM. The Court **INSTRUCTS** the parties to continue to file all future motions in both cases under separate cause numbers.

SO ORDERED this 22nd day of March, 2018.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT